

REMARKS

This application includes claims 1-41 and 43-73. .

All the claims are subject to a eight way election of species.

Applicant thanks the Examiner for the telephone call on or about November 22, 2010, in which the Examiner explained the reasoning for the second restriction requirement.

The Examiner explained that the fact that Applicant had not indicated some non-elected claims as being withdrawn, led him to believe that restriction requirement previously made was not addressed.

Applicant explained that the reason that claims amended to depend from an elected species should be examined along with the claims they depend from, and therefore should not have a withdrawn status. The Examiner insisted otherwise and required that non-elected claims, even if now dependent from elected claims, should be identified as Withdrawn.

Applicant restates that it his belief that it is not appropriate practice to do so, but will comply with the Examiners requirement in this response. However, should the parent claims be found allowable, Applicant expects the Examiner to withdraw his restriction requirement with respect to those claims dependent therefrom and allow them as well.

Applicant assumes that the previous agreement reached with the Examiner is still in force and that applicant may choose one species from the species 1-4 and one from the species 6-8. Applicant has done so in the attached. Specifically, applicant chooses species 2 and species 8, without necessarily agreeing with the examiners attribution of the species. Applicant has provided a more generic version of species 8 – to relate to measuring through an intermediate medium.

In addition, applicant has accepted another suggestion by the Examiner, namely to “serialize” the unelected species so that they depend on the elected species.

In addition, due to the Examiner’s comments, claim 1 and other independent claims have been amended to clarify that the method is applied by a device that is worn by the user and/or that the claimed device is wearable.

In summary, claims 1-5, 10-14, 17, 44-46, 49, 50, 53, 54, 65 and 71 are generic.

In re Application of: Noam EGOZI
Serial No.: 10/526,428
Filed: February 28, 2005

Examiner: Sanjay CATTUNGAL
Group Art Unit: 3768
Attorney Docket: 39878

Claims 6-9, 15, 16, 55-58 read on the first elected species (species 2).

Claims 18-28, 41-43, 29-32, 51, 52, 59-63, 66-68, 70, 33-36, 64, 37, 48, 69, 38 and 47 were amended to dependent on (directly or indirectly) or to include the limitations related to species 2 (the first elected species) and should therefore be considered within that species.

Claims 39, 40, read on the second elected species (species 8).

An early and favorable action is respectfully requested.

Respectfully submitted,

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